

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Don Cameron,

Civil No. 05-3012 (PAM/JSM)

Plaintiff,

v.

ORDER

Mark W. Gillick,

Defendant.

This matter is before the Court on Plaintiff Don Cameron's Motion to Compel the Deposition Duces Tecum of Defendant Mark W. Gillick. The Court grants the Motion.

On March 23, 2006, this Court ordered the Clerk of Court to enter a \$944,565.84 judgment in favor of Cameron and against Gillick. Judgment was entered the next day. However, Defendant has yet to remit payment.

Consequently, Cameron attempted to use post-judgment discovery to obtain financial information about Gillick pursuant to Federal Rule of Civil Procedure 69. Cameron noticed a deposition duces tecum of Gillick for July 5, 2006, and properly served Gillick with the notice. However, Gillick failed to attend and did not contact Cameron after being served with the notice. Cameron submits that the failure to attend the deposition cost him \$904.85 in attorneys' fees and costs.

Cameron now asks the Court to order Gillick to attend the deposition, and further order Gillick to pay Cameron the reasonable costs incurred in attempting to conduct the July

5, 2006 deposition. See Fed. R. Civ. P. 37(a). Gillick neither responded to the Motion nor appeared for the hearing in this matter.

Accordingly, **IT IS HEREBY ORDERED** that:

1. Gillick shall appear for a deposition duces tecum at the offices of Flynn, Gaskins & Bennett, 333 South Seventh Street, Suite 2900 in Minneapolis, Minnesota at **10:00 a.m. on October 17, 2006**, bringing with him all records and documents requested by the Notice of Taking Deposition Duces Tecum served upon him on June 1, 2006;
2. Gillick shall compensate Cameron the amount of \$904.85 for the reasonable expenses of the July 5, 2006 deposition for which Gillick failed to appear; and
3. If Gillick fails to comply with this Order, the Court will entertain a motion for sanctions pursuant to Federal Rule of Civil Procedure 37(b).

Dated: September 26, 2006

s/ Paul A. Magnuson
Paul A. Magnuson
United States District Court Judge